IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 4790 of 1997

Between:

1 Varanasi Venugopalam, S/o Sanyasi Rao,
R/o C/o K.V.Raghavulu, Near Kaspa High School,
Vizianagaram.
2 Sunkara Adinarayana, S/o Suri,
C/o K.V.Raghavulu, Near Kaspa High School, Vizianagaram.

..... PETITIONERS

AND

1 The Vice Chairman & Managing Director,
APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Vizianagaram.
3 The Divisional Manager, APSRTC, Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records on Proceedings No.P4/P2/402(26) 94 Pm.Vzm. dt.19/12/95 on the file of the 2nd respondent and quash the same by issuing a writ of certiorari or any other appropriate writ order or direction and issue consequential direction to the respondents to appoint the petitioners in APSRTC as Conductor/Driver/Cleaner and in any other suitable post.

Counsel for the Petitioners: MR.K.CHIDAMBARAM

Counsel for the Respondents: MS. B.G. UMA DEVI, S.C. FOR A.P.S.R.T.C.

The Court made the following ORDER:

This writ petition is filed by the petitioners being aggrieved by the proceedings of the respondent-Corporation dated 19.12.1995, under which the second respondent rejected the claim of the petitioners for absorption as Conductors/Drivers/Cleaners or for any other suitable post.

2. According to the petitioners, they worked in a private bus bearing No.AAC-4770 plied in route Vizianagaram to Bobbili. The said service was discontinued after 15.12.1986, as it was taken over by the Andhra Pradesh Road Transport Corporation as a result of nationalization and thereby the petitioners became unemployed. The petitioners submitted their representations to the respondent-authorities for absorption, but they did not consider the same. Hence, they approached this Court by filing W.P.No.17335 of 1994 and it was disposed of on 29.09.1994, directing the respondent-Corporation to consider the case of the petitioners for absorption. Thereafter, the cases of the petitioners were considered, but rejected under the impugned proceedings of the second respondent dated 19.12.1995. Aggrieved by that the petitioners have come up with the present writ petition.

3. According to the petitioners, they worked in the private vehicle bearing No. AAC-4770, which was run between Vizianagaram and Bobbili and was stopped on 15.12.1986. It is stated that the authorities having found that with reference to the same vehicle another permit on route Vizianagaram to Garugubilli was granted, and on the said route, some other vehicles of the owner of the vehicle bearing No.AAC 4770 were plying, but petitioners were not engaged in those buses. Therefore, the petitioners' cases have to be considered, in view of the fact that the route between Vizianagaram and Bobbili was nationalized on which the Bus bearing No.AAC-

4770 was running before nationalization.

4. The learned counsel also contended that the action of the respondents in rejecting the claim of the petitioners is illegal and unsustainable.

5. On the other hand, the contention of the petitioners was opposed by the respondents by filing a counter-affidavit disputing and denying the allegations. The learned counsel also contended that as some of the employees have already been absorbed with reference to the vehicle in respect of which, the petitioners are also claiming, the petitioners are not entitled for the relief sought for.

6. Heard both sides and considered the material available on record.

7. Admittedly, with reference to the vehicle in respect of which the petitioners are making their claim, certain other staff members have already been absorbed as per the scheme, therefore, the petitioners claim was considered and rejected by the second respondent – Regional Manager. In fact, in the counter-affidavit, it is specifically stated that as per the proceedings of the Corporation, two drivers, three conductors and a cleaner were absorbed with reference to the vehicle bearing No.AAC-4770.

8. In view of the said absorption of other employees, the petitioners are not entitled and therefore, the rejection cannot be found fault.

9. The writ petition is devoid of merits and the same is accordingly dismissed. No costs.

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S. Ananda Reddy, J

Date: 20.09.2004

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To

1 The Vice Chairman & Managing Director,
APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Vizianagaram.
3 The Divisional Manager, APSRTC, Vizianagaram.
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